

IN RE:

MELVIN PADILLA SOTO

Debtor(s)

CASE NO. 13-07470-MCF

CHAPTER 13

TRUSTEE'S MOTION TO DISMISS

**TO THE HONORABLE COURT:**

NOW COMES José R. Carrión, Chapter 13 Trustee, through the undersigned attorney, and very respectfully alleges and prays:

1. Failure to cooperate with the trustee 11 U.S.C. §521(3): Debtor(s) has/have failed to comply with her/his/their duties pursuant to 11 U.S.C. § 521. Debtor(s) has/have failed to provide documents and/or information requested at the meeting of creditors, omission that constitutes CAUSE for the dismissal of the case pursuant to 11 U.S.C. §1307(c) (9) and (10).

2. Failure to resolve or act upon issues identified at the meeting of creditors causing an unreasonable delay in the bankruptcy proceedings prejudicial to creditors, which constitute CAUSE for the dismissal of the case pursuant to 11 U.S.C. §1307(c) (1).

WHEREFORE the Trustee respectfully prays that this motion be granted and that an order dismissing this case be entered for cause pursuant to 11 U.S.C. §1307(c) for the reasons herein set forth.

NOTICE

30 DAYS NOTICE: Within thirty (30) days after service as evidenced by the certification, and an additional three (3) days pursuant to Rule 9006(f) of Fed. R. Bank. P., if you were served by mail, any party against whom this document is served, or any other party in interest who objects to the relief sought herein, shall file and serve an objection or other appropriate response to this document with the Clerk's Office of the U.S. Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the motion to dismiss will be deemed unopposed and may be granted or the case may be converted to a Chapter 7 case without the need of further notice or hearing.

NEGATIVE CERTIFICATION PURSUANT TO SECTION 201(B)(4) OF THE SERVICEMEN'S CIVIL RELIEF ACT OF 2003: The Chapter 13 Trustee declares that according to the attached certification(s), provided by the Department of Defense Manpower Data Center (DMDC), the Debtor(s) is (are) not in active duty or under call to active duty as a member(s) of the ARMY, NAVY, or AIR FORCES of the United States of America; National Guard; the Public Health Service or the National Oceanic and Atmospheric Administration.

CERTIFICATE OF SERVICE: The Chapter 13 Trustee certifies that copy of this motion has been served by first class mail on this same date to: the Debtor(s) and her/his/their attorney to the address in the record; and to all Creditors and Parties in interest to their respective address of record, as they appear in the attached master address list, if not are registered CM/ECF system participants.

In San Juan, Puerto Rico this, November 15, 2013

/s/ JOSE R. CARRION

JOSE R. CARRION, TRUSTEE  
PO BOX 9023884  
SAN JUAN, PR 00902-3884  
TEL. 787-977-3535 FAX. 787-977-3550  
NM

Department of Defense Manpower Data Center

Results as of : Nov-15-2013 03:20:21

SCRA 3.0



## Status Report Pursuant to Servicemembers Civil Relief Act

Last Name: PADILLA SOTOFirst Name: MELVIN

Middle Name:

Active Duty Status As Of: Nov-15-2013

On Active Duty On Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects the individuals' active duty status based on the Active Duty Status Date			

Left Active Duty Within 367 Days of Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects where the individual left active duty status within 367 days preceding the Active Duty Status Date			

The Member or His/Her Unit Was Notified of a Future Call-Up to Active Duty on Active Duty Status Date			
Order Notification Start Date	Order Notification End Date	Status	Service Component
NA	NA	No	NA
This response reflects whether the individual or his/her unit has received early notification to report for active duty			

Upon searching the data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the status of the individual on the active duty status date as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and Coast Guard). This status includes information on a Servicemember or his/her unit receiving notification of future orders to report for Active Duty. HOWEVER, WITHOUT A SOCIAL SECURITY NUMBER, THE DEPARTMENT OF DEFENSE MANPOWER DATA CENTER CANNOT AUTHORITATIVELY ASSERT THAT THIS IS THE SAME INDIVIDUAL THAT YOUR QUERY REFERS TO. NAME AND DATE OF BIRTH ALONE DO NOT UNIQUELY IDENTIFY AN INDIVIDUAL.

Mary M. Snavelly-Dixon, Director  
Department of Defense - Manpower Data Center  
4800 Mark Center Drive, Suite 04E25  
Arlington, VA 22350

The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense (DoD) that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

The DoD strongly supports the enforcement of the Servicemembers Civil Relief Act (50 USC App. § 501 et seq, as amended) (SCRA) (formerly known as the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced only a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual was on active duty for the active duty status date, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's status by contacting that person's Service via the "defenseink.mil" URL: <http://www.defenselink.mil/faq/pis/PC09SLDR.html>. If you have evidence the person was on active duty for the active duty status date and you fail to obtain this additional Service verification, punitive provisions of the SCRA may be invoked against you. See 50 USC App. § 521(c).

This response reflects the following information: (1) The individual's Active Duty status on the Active Duty Status Date (2) Whether the individual left Active Duty status within 367 days preceding the Active Duty Status Date (3) Whether the individual or his/her unit received early notification to report for active duty on the Active Duty Status Date.

### More information on "Active Duty Status"

Active duty status as reported in this certificate is defined in accordance with 10 USC § 101(d) (1). Prior to 2010 only some of the active duty periods less than 30 consecutive days in length were available. In the case of a member of the National Guard, this includes service under a call to active service authorized by the President or the Secretary of Defense under 32 USC § 502(f) for purposes of responding to a national emergency declared by the President and supported by Federal funds. All Active Guard Reserve (AGR) members must be assigned against an authorized mobilization position in the unit they support. This includes Navy Training and Administration of the Reserves (TARs), Marine Corps Active Reserve (ARs) and Coast Guard Reserve Program Administrator (RPAs). Active Duty status also applies to a Uniformed Service member who is an active duty commissioned officer of the U.S. Public Health Service or the National Oceanic and Atmospheric Administration (NOAA Commissioned Corps).

### Coverage Under the SCRA is Broader in Some Cases

Coverage under the SCRA is broader in some cases and includes some categories of persons on active duty for purposes of the SCRA who would not be reported as on Active Duty under this certificate. SCRA protections are for Title 10 and Title 14 active duty records for all the Uniformed Services periods. Title 32 periods of Active Duty are not covered by SCRA, as defined in accordance with 10 USC § 101(d)(1).

Many times orders are amended to extend the period of active duty, which would extend SCRA protections. Persons seeking to rely on this website certification should check to make sure the orders on which SCRA protections are based have not been amended to extend the inclusive dates of service. Furthermore, some protections of the SCRA may extend to persons who have received orders to report for active duty or to be inducted, but who have not actually begun active duty or actually reported for induction. The Last Date on Active Duty entry is important because a number of protections of the SCRA extend beyond the last dates of active duty.

Those who could rely on this certificate are urged to seek qualified legal counsel to ensure that all rights guaranteed to Service members under the SCRA are protected.

**WARNING:** This certificate was provided based on a last name, SSN/date of birth, and active duty status date provided by the requester. Providing erroneous information will cause an erroneous certificate to be provided.

Certificate ID: J583J2EAI04D330

13-07470-MCF

CERTIFICATE OF MAILING

The undersigned hereby certifies that a true copy of the foregoing document was mailed by first class mail or electronically sent to the parties listed below:

JUAN O CALDERON LITHGOW\*

PO BOX 1710

VEGA BAJA, PR 00694 -1710

MELVIN PADILLA SOTO

PO BOX 412

TOA ALTA, PR 00954

DATED: 11/15/2013

/s/ Jose R. Carrion

OFFICE OF THE CHAPTER 13 TRUSTEE

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